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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations,
Channel 247C3 (97.3 mHz)
MOBERLY, MISSOURI

) MM Docket No. 93-222
)
) RM-8297
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)

TO: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

STATEMENT FOR THE RECORD

KWIX Inc., by its attorneys, hereby responds to the Withdrawal of Comments filed October 21, 1993, by FM 105, Inc., in the above-referenced rule making proceeding. FM 105, Inc., states that KWIX Inc., failed to support its proposal to allot Channel 247C3 to Moberly, Missouri, that it was in this circumstance withdrawing its own conditional expression of interest therefor and that the Commission should terminate the docket proceeding.

Contrary to FM 105, Inc.'s impression, KWIX Inc., did in fact timely file on September 27, 1993, the annexed Comments supporting the Channel 247C3 allotment at Moberly and reaffirming its intention to apply for same and if granted to promptly construct the facility. Inadvertently, the Comments did not contain the FCC docket number.^{1/} Nonetheless, the Comments were timely filed and served on the Commission's staff. Counsel has also undertaken to

^{1/} This omission has been rectified on the annexed Comments.

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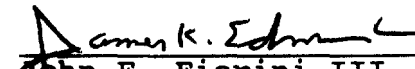
- 2 -

assure that the Comments have been placed in the docket and entered into the Commission's computer system. In these circumstances, the Commission should go forward with the processing of this uncontested allotment.

Respectfully submitted,

KWIX INC.

By:


John E. Fiorini III
James K. Edmundson

GARDNER, CARTON & DOUGLAS
1301 K Street, N.W.
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DATED: October 26, 1993
[64595]

S & R COPY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

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TO: Chief, Allocations Branch
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Mass Media Bureau

COMMENTS

KWIX Inc., by its attorneys, and pursuant to Sections 1.401 and 1.420 of the Commission's rules, hereby submits its comments in support of the Commission's proposed allotment of Channel 247C3 (97.3 mHz) at Moberly, Missouri. In support thereof, the following is stated:

1. On July 16, 1993, KWIX Inc., filed a Petition for Rule Making requesting the Commission to amend Section 73.202(b) of its rules, the FM Table of Allotments, to allot Channel 247C3 at Moberly, Missouri. Moberly (population 12,839) is located in Randolph County (population 24,370) and is presently served by three local radio stations: KWIX(AM), KRES(FM) and KZZT(FM).

2. By Notice of Proposed Rule Making, DA 93-946, released August 5, 1993, the Commission instituted rule making looking toward the allotment of Channel 247C3 at Moberly with a site restriction of 15.2 kilometers (9.5 miles) east of that community. Interested parties were invited to file comments on or before September 27, 1993. Because KWIX Inc., is the licensee of KWIX(AM)

and KRES(FM), Moberly, the Commission requested it to submit information in its comments indicating its eligibility to own an additional station in Moberly under the local ownership rules.

3. KWIX Inc.'s engineering consultant, Sisk Engineering, Inc., has determined that there are at least twelve commercial radio stations whose principal city contours overlap in whole or in part with the principal city contours of KWIX(AM), KRES(FM) and the proposed Channel 247C3 allotment at Moberly. Moberly is an unrated market. KWIX Inc., has, therefore, conducted a study to determine, based upon current Arbitron surveys, "the relevant audience share data . . . for all counties that are within the principal community contours of the stations in question, in whole or in part" (Section 73.3555(a)(3)(iii)).^{1/}

4. The aggregate share of KWIX and KRES in the counties in question approximates 12.3 or less than one-half of the 25 share benchmark. Therefore, KWIX Inc., is eligible to acquire a third station at Moberly under the local ownership rules. Revision of Radio Rules and Policies, 7 FCC Rcd 6387 (Paragraph 53 and footnote 73) (1992).^{2/}

^{1/} The counties studied were Audrain, Randolph, Howard, Linn, Monroe, Boone, Macon, and Saline, Missouri.

^{2/} KWIX Inc., will supply such further data concerning its eligibility under the local ownership rules as the Commission may request.

5. KWIX Inc., hereby affirms that if the Commission allots Channel 247C3 at Moberly, it will apply for the channel when it is allotted, and, if its application is granted, it will promptly build the station.

WHEREFORE, for the foregoing reasons, KWIX Inc., respectfully requests the Commission to allot Channel 247C3 at Moberly, Missouri.

Respectfully submitted,

KWIX INC.

By:


John E. Fiorini III

By:


James K. Edmundson

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DATED: September 27, 1993
[62081]

CERTIFICATE OF SERVICE

I, Virginia L. Davidson, a secretary in the law offices of Gardner, Carton & Douglas, do hereby certify that true copies of the foregoing "COMMENTS" were sent September 27, 1993, by first-class United States mail, postage prepaid, or as indicated by hand to the following:

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Washington, D.C. 20554
(BY HAND)


Virginia L. Davidson

CERTIFICATE OF SERVICE

I, Virginia L. Davidson, a secretary in the law offices of Gardner, Carton & Douglas, do hereby certify that true copies of the foregoing "STATEMENT FOR THE RECORD" were sent October 26, 1993, by first-class United States mail, postage prepaid, or as indicated by hand to the following:

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